

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In The Matter of

Regulatory Requirements for  
IP-Enabled Services

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) WC Docket No. 04-36  
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COMMENTS OF JOHN G. ROWLAND  
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June 24, 2004

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TABLE OF CONTENTS

I.	Summary .....	1
II.	Introduction .....	1
III.	Conclusion .....	2

## **I. Summary**

- The 1996 Telecommunications Act established a national federal-state framework for communications regulation. It recognized state authority to manage local competition, advance universal service, protect the public safety and welfare, ensure quality communication services and safeguard the rights of consumers.
- States have played a critical role in protecting the public interest, and have done so in a way that has allowed the industry to grow and evolve. The implications of new communications technologies on the way we all work and live are overwhelming, and states look forward to embracing and encouraging these developments.
- The changes in technologies do not eliminate the need to ensure that the industry is meeting the public interest, particularly since competition among access providers is likely to remain fairly limited. States and territories will continue to be well positioned to look after that public interest while continuing to promote the development of the industry.

## **II. Introduction**

Developments in the industry indicate that traditional telephone services are quickly migrating to the Internet. Our working estimate for Connecticut indicates that on the order of 30% of traditional phone calls will be made through IP-enabled services within the next four years. The 1996 Act does not address the regulatory implications of this convergence of communications technologies. As a result, there is insufficient statutory framework for such new technologies.

Even if the determination is made that such statutory guidance is unnecessary, there is no clear authority for creating a new regulatory framework that, unintentionally or not, would unravel the federal-state jurisdictional balance established in the Act. Members of the U.S. Congress have recognized this shortfall in the law, and have indicated plans for reexamining the 1996 Act next year.

### **III. Conclusion**

I encourage the FCC to use this proceeding to develop a vision for future communications policy that incorporates the unique capabilities and authority of states to best serve the public interest. Any new rules addressing IP-enabled technologies should adhere to the current statutorily defined federal-state framework because, while the nature of the industry may be changing, the public interest in these areas will remain the same, and states will continue to be in the best position to protect that interest.

I also urge the FCC to refrain from making any sweeping regulatory changes until Congress makes its intentions known. In particular, an FCC action classifying all IP-enabled services as an “information” or “interstate” service would inappropriately and prematurely eliminate the federal-state framework encapsulated in the 1996 Act. Should the FCC classify some portion of IP-enabled services as “information” or “interstate” services, the FCC should do so in a manner that maintains states’ regulatory authority.

I urge you to support a balanced federalism approach that recognizes the unique role that state governments play in the regulation and deployment of communication services, regardless of the technology in question. I look forward to working with the FCC and Congress to formulate policies that build upon the current federal-state framework to promote innovation, growth and the public interest.